



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Donnelly, et al.

Serial No.: 09/835,694 Case No.: 18972PCA

Art Unit: 1636

Filed: April 16, 2001

Examiner:

Ketter, James S.

For: NUCLEIC ACID VACCINES AGAINST HUMAN
INFLUENZA VIRUS (As amended herein)

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Ms. Karen Creasy

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS
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COMMISSIONER FOR PATENTS
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ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

BY:

DATE: 20 Dec. 2005

RENEWED PETITION UNDER 37 C.F.R.
§1.78(a)(3) TO ACCEPT AN
UNITINTENTIONALLY DELAYED PRIORITY
CLAIM UNDER 35 U.S.C. § 120

Sir:

This Renewed Petition is entered in response to the DECISION ON PETITION
UNDER 37 C.F.R. §1.78(a)(3), mailed 25 July 2005.

(1) Please charge the fee under 37 C.F.R. 1.17(t) to Deposit Account No. 13-2755 as
a large entity.

(2) The delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii)

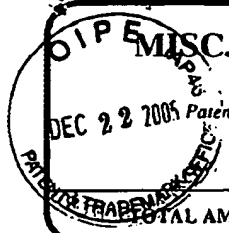
and the date of entry of the First Petition and this Renewed Petition was unintentional.

Adjustment date: 08/09/2006 CRHLOR
12/23/2005 SSESHE1 00000025 132755 09835694
01 FC:1464 130.00 CR

12/23/2005 SSESHE1 00000025 132755 09835694
01 FC:1464 130.00 DA

DAE

291



MISC. FEE TRANSMITTAL

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/835,694
Filing Date	April 16, 2001
First Named Inventor	Donnelly et al.
Examiner Name	James S. Ketter
Group Art Unit	1636
Attorney Docket Number	18972PCA

TOTAL AMOUNT OF PAYMENT \$130

METHOD OF PAYMENT

☒ Deposit Account

Deposit Account Number 13-2755

Deposit Account Name Merck & Co., Inc.

The Director is authorized to:

☒ Charge fee(s) indicated below

☒ Credit any overpayments

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

FEE CALCULATION

FEES Large Entity

Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	Surcharge - late filing fee or oath	
1051	130	Non-English Specification	
1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1402	500	Filing a brief in support of an appeal	
1452	500	Petition to revive - unavoidable	
1453	1,500	Petition to revive - unintentional	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Statement	
1809	790	Filing a submission after final rejection (37 CFR 1.129(a))	
	790	For each additional invention to be examined (37 CFR 1.129(b))	
	130	Statutory Terminal Disclaimer under 37 CFR 1.321	
Other fee (specify)		Renewed Petition 37 CFR 1.78(a)(3) to Accept an Unintentionally Under 35 USC 120	130
Other fee (specify)			

TOTAL \$130

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

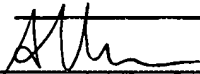

By: J. Mark Hand Date: Dec 20, 2005

SUBMITTED BY

Complete (if applicable)

Type	Name	Signature	Date	Reg. Number	Deposit Account	User ID
	J. Mark Hand	<i>J. Mark Hand</i>	20 Dec 2005	36,545		

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND									
1 Date of Request: 08/07/06				2 Serial/Patent # 09/835,694					
3 Please refund the following fee(s):				4 PAPER NUMBER		5 DATE FILED		6 AMOUNT	
	Filing							\$	
	Amendment							\$	
	Extension of Time							\$	
	Notice of Appeal/Appeal							\$	
X	Petition					12/22/05		\$ 130.00	
	Issue							\$	
	Cert of Correction/Terminal Disc.							\$	
	Maintenance							\$	
	Assignment							\$	
	Other							\$	
				7 TOTAL AMOUNT OF REFUND				\$ 130.00	
				8 TO BE REFUNDED BY:					
10 REASON:				Treasury Check					
	Overpayment			X		Credit Deposit A/C #:			
	Duplicate Payment					9 1 3 -- 2 7 5 5			
X	No Fee Due (Explanation):								
fee not necessary									
11 REFUND REQUESTED BY:									
TYPED/PRINTED NAME: A. Au				TITLE: Pet. Exm					
SIGNATURE: 				PHONE: 7414					
OFFICE: OP									
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****									
APPROVED: 				DATE: 8/9/06					

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